



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

JRE
Docket No: 1098-97
20 December 1999

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 16 December 1999. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the enclosed advisory opinion furnished by the Specialty Leader for Surgery, Bureau of Medicine and Surgery.

After careful and conscientious consideration of the entire record, and notwithstanding the contents of the advisory opinion, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this regard, it noted that when you underwent your pre-enlistment physical examination, you did not disclose your history of a surgeries to remove bilateral varicoceles, a recurrent right varicocele and a hydrocele. As a result, the physician who performed the examination was prevented from accurately assessing your qualification for enlistment. There is no indication in your naval record that you felt a "pop" in the inguinal area during training, and it is clear that you attributed the left scrotal pain you experienced during your enlistment to a varicocele rather than a hernia. In addition, it noted that you were found to have bilateral scrotal varicosities on 17 July 1981, and that only was painful. As that was your twenty-third day of service, and given your prior history of recurrent varicoceles, it is unlikely that the condition developed while you were on active duty. The fact that a preexisting condition becomes symptomatic during a period of military service does not amount to "service aggravation", absent a showing of an increase in the severity of the condition beyond its natural progression. As you know, the members of the medical board, at least one of whom examined you at the time in question and was in the best position to assess your condition,

determined that the varicocele had not been incurred in or aggravated by your brief period of military service. You apparently agree with that assessment, because you declined to submit a statement in rebuttal to the findings or recommendation of the medical board, or otherwise contest your discharge.

In view of the foregoing, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure

FILE COPY

**SPECIALTY LEADER, SURGERY
SURGERY DEPARTMENT, CODE 04C
NAVAL HOSPITAL
BOX 555191
CAMP PENDLETON, CALIFORNIA 92055-5191**

04C/970472
17 Nov 97

MEMORANDUM

From: CAPT [REDACTED], MC, USN, Specialty Leader, Surgery
To: Chairman, Board for Correction of Naval Records
2 Navy Annex
Washington, DC 20370-5100

Subj: REQUEST FOR COMMENTS AND RECOMMENDATION ICO FORMER
[REDACTED]

Ref: (a) Yr ltr JRE:jdh Docket No: 1098-97 dtd 01OCT97
(b) 10 U.S.C. 1552

Encl: (1) BCNR File
(2) Service Record
(3) VA Record/Medical Record

1. Pursuant to reference (a), enclosures (1) through (3) have been reviewed. Subject's request for correction of DD214 is appropriate and verifiable.
2. Available records indicate that subject did have bilateral inguinal hernias and a varicocele which were appropriately repaired prior to his entrance into the United States Marine Corps. Both AFEES pre-enlistment physical and medical records from his civilian physician indicate that these had been surgically treated and were well-healed without recurrence. Subject was therefore physically qualified for enlistment into the United States Marine Corps. Military medical records indicate acute onset pain and swelling occurring during recruit training with recurrence of pain and swelling (probable varicocele) which was service aggravated. Veterans' Administration evaluation in November 1996 substantiates these findings.
3. It is recommended that subject's request for change in DD214, that the narrative reason for separation is medical and not erroneous enlistment, is correct, and should be granted.

H. R. BOHMAN
CAPT, MC, USN